

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PETER C. RIZZO,

Plaintiff,

vs.

Index No.: 1:23-cv-00406

CLOVER GROUP, INC.,
CLOVER MANAGEMENT, INC.,
CLOVER CONSTRUCTION MANAGEMENT, INC.,
CLOVER CONSTRUCTION MANAGEMENT WEST
CORP.,
THE CARLYLE GROUP,
CARLYLE CLOVER PARTNERS, L.P.,
CARLYLE CLOVER PARTNERS 2, L.P.,
WELLTOWER, INC.,
WELL IBIS PORTFOLIO MEMBER, LLC,
WELLCLOVER VENUTRES, LLC,
WELLCLOVER HOLDINGS, LLC,
CLOVER COMMUNITIES FUND I, L.P.,
CLOVER COMMUNITIES FUND II, L.P.,
CLOVER COMMUNITIES FUND III, L.P.,
CLOVER COMMUNITIES FUND IV, L.P.,
CLOVER COMMUNITIES FUND V, L.P.,
CLOVER COMMUNITIES FUND V, LLC,
MICHAEL L. JOSEPH,
ALLISON H. JOSEPH PENDLETON,
RICHARD A. GREENSPAN,
ROBERT D. JACK, and
EMILY BRADY,

Defendants.

GREENSPAN'S RULE 26(A)(1) DISCLOSURE

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant, Richard A. Greenspan (Greenspan), hereby submits the following:

1. Persons Having Discoverable Information.

Greenspan is likely to have discoverable information that he may use to support his claims or defenses in this action. Greenspan may be contacted through his undersigned counsel.

Greenspan also may use the following witnesses:

- a. Any witness identified by Plaintiff or co-Defendants in their discovery disclosures and;
- b. All witnesses deposed by Plaintiff or co-Defendants.

This information is based on Greenspan's present knowledge and understanding of the facts relevant to this action. Greenspan reserves his right to amend this list as necessary or as further information becomes available to him in this action and to incorporate the names of potential fact witnesses contained in the statements of the Plaintiff in this action. Expert witnesses will be identified and disclosed in accordance with the schedule set by the Court.

2. Documents, Data Compilations, and Tangible Things.

A copy or a description by category & location of all documents, data compilations, and tangible things in the possession, custody or control of the Clover Defendants that are relevant to disputed facts alleged with particularity in the pleadings, including as relevant to the applicable period of Plaintiff's employment:

- a. Because Greenspan is no longer employed by the co-Defendant, he does not have access to documents.

3. Computation of Damages.

Not applicable.

4. Insurance agreements

Applicable insurance agreements will be made available to the Plaintiff upon request.

Greenspan expressly reserve his right to amend, supplement or correct these disclosures under FRCP 26 upon continuing investigation. By making the disclosures, Greenspan does not waive the right

to object to production of any document, data compilation or tangible thing on the basis of privilege, work product doctrine, relevancy, undue burden or any other valid objection.

Dated: Buffalo, New York
November 21, 2023

LIPSITZ, GREEN, SCIME & CAMBRIA
Attorneys for Richard A. Greenspan

By: /s/ Joseph J. Manna
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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2023 I electronically filed the foregoing Greenspan Defendant's Rule 26(a)(1) Disclosures with the Western District of New York using the CM/ECF System.

/s/ Joseph J. Manna
Joseph J. Manna, Esq.